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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,080	10/03/2001	Henry Sowizral	5181-68801 P5161	8117
7590	10/19/2005		EXAMINER	
Jeffrey C. Hood Meyertons Hood Kivlin Kowert & Goetzel PC P.O. Box 398 Austin, TX 78767			ALAUBAIDI, HAYTHIM J	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Supplemental Notice of Allowability</b>	<b>Application No.</b> 09/970,080	<b>Applicant(s)</b> SOWIZRAL ET AL.
	<b>Examiner</b> Haythim J. Alaubaidi	<b>Art Unit</b> 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment of April 18, 2005.
2.  The allowed claim(s) is/are 1,3-12 and 33-44.
3.  The drawings filed on 03 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>3/25/04</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input checked="" type="checkbox"/> Other <u>271</u>.</li> </ol>
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### **DETAILED ACTION**

1. This communication is a **Supplemental Office Action** in response to the 312 Amendment filed on August 15, 2005.
2. The Examiner acknowledges the cancellation of claims 2 and 13-32.
3. The Examiner acknowledges the addition of new Claim No. 44 which depends on Independent Claim No. 39
4. Claims 1, 3-12 and 33-44 are presented for examination following the amendment of April 18, 2005.
5. Claims 1, 3-12 and 33-44 are allowable over the prior art of record.

### ***Allowable Subject Matter***

6. Claims 1, 3-12 and 33-44 are allowable over the prior art of record.
7. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Claim 1, 33 and 39, Applicant's particular system and associated methods in the environment of managing graphical scenes is loading into the local memory those portions of the scene graph that are relevant within the predicted future locality threshold, in combination with the limitation of wherein said replacing is performed only on portions of the scene graph that are not relevant within (i) the current

locality threshold and (ii) the predicted future locality threshold record in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

The dependent Claims 3-12 and 42-43 being further limiting to independent Claim 1; dependent Claims 34-38 being further limiting to independent Claim 33; and dependent Claims 40-41 and 44 being further limiting to independent Claim 39 definite and enabled by the Specification are also allowed.

***Points of Contact***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314



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Patent Examiner  
Technology Center 2100  
Art Unit 2161



FRANTZ COBY  
PRIMARY EXAMINER

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/970,080	SOWIZRAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Haythim J. Alaubaidi	2161	

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1.  The amendment filed on 15 August 2005 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.



FRANTZ COBY  
PRIMARY EXAMINER